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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,391	12/03/2003	Girma Gebreselassie	998-904DV	5606
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MYERS BIGEL SIBLEY & SAJOVEC			OMGBA, ESSAMA	
PO BOX 37428			ART UNIT	
RALEIGH, NC 27627			PAPER NUMBER	
			3726	

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/726,391

Applicant(s)

GEBRESELAASSIE ET AL.

Examiner

Essama Omgba

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 43-47, 49-58 and 65-69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 43-47, 49-58 and 65-69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The indicated allowability of claims 48, 50-58 and 65-69 is withdrawn in view of the newly discovered reference(s) to Hedderly (US Patent 6,371,551) and Roberts (US Patent 5,439,725). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 43, 46, 47 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Nemeto et al. (US Patent 6,102,465), Gray (US Patent 5,358,300) and Hedderly (US Patent 6,371,551).

With regards to claim 43, Applicant, at pages 1-4 of the specification to be known as AAPA, discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle, wherein the passenger compartment is separated from an engine compartment by a firewall, and wherein the passenger compartment comprises a floor wherein an instrument panel is attached to a dash insulator that is configured to be attached to the vehicle firewall. AAPA does not disclose ascertaining acoustic properties of the vehicle to identify portions of the dash insulator requiring sound reflection and/ or absorption, and applying sound reflection and/ or absorption material to identified portions of the dash insulator. However Nemeto et al. teaches

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applying sound absorption material to portions of a dashboard insulator, see column 4, lines 4-22 and column 9, lines 1 1-16 and 28-29. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have applied sound absorption materials to portions of the dash insulator of AAPA, in light of the teachings of Nemeto et al., in order to improve silence characteristics within the passenger compartment. Although AAPA/Nemeto et al./ does not disclose the dash insulator and the instrument panel being installed within the vehicle as a single unit, however it is known to provide the dash insulator and instrument panel as a modular assembly that can be installed in the vehicle body as an integral unit as attested by Gray, see column 2, lines 42-47 and column 3, lines 54-58. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the dash insulator and instrument panel of AAPA/Nemeto et al. as a single unit to be installed in the vehicle, in light of the teachings of Gray, in order to facilitate the assembly by providing ready access to any portion of the assembly. AAPA/Nemeto et al./Gray does not disclose the instrument panel being movably attached to a first edge portion of the dash insulator, however Hedderly teaches an instrument panel attached along an upper edge portion through the use of screws that are received in retainers 38, 40 (col. 4, lines 5-13), the use of screws allowing the panels to be connected while providing a gap between the panels, thus allowing the instrument panel to move relatively to the firewall. Therefore it would have been obvious to one of ordinary skill in the art to movably attach the instrument panel of AAPA/Nemeto et al./Gray to a first edge portion of the dash insulator using screws, in

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light of the teachings of Hedderly, in order to be able to interchange instrument panels for left or right side drive vehicles. Applicant should note that it is inherent that acoustic properties of the vehicle would have to be ascertained to identify portions of the dash insulator requiring sound absorption before applying the sound absorption material.

For claims 46 and 47, see column 2, lines 44-65 of Nemeto et al.

For claim 49, Applicant should note that attaching a floor covering to the dash insulator prior to installing the attached dash insulator and instrument panel within the vehicle is an obvious matter of design choice wherein no stated problem is solved or unexpected results obtained in installing the floor covering to the dash insulator prior to installing the attached dash insulator and instrument panel within the vehicle versus attaching the floor covering to the dash insulator after installing the attached dash insulator and instrument panel.

4. Claims 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Nemeto et al./Gray/Hedderly as applied to claim 43 above, and further in view of De Winter (US Patent 6,071,619).

AAPA/Nemeto et al./Gray/Hedderly discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle as shown above except for applying the sound absorption material by spraying polyurethane with different thicknesses to one or more portions of the dash insulator. However De Winter teaches applying polyurethane foam to a dashboard by spraying the foam on the dashboard, see column 6, lines 45-56. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the sound insulation

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material by spraying urethane foam on the dash insulator of AAPA/Nemeto et al./Gray, in light of the teachings of De Winter, in order to easily deposit the foam on the substrate. Applicant should note that it is within the general knowledge of one of ordinary skill in the art to appropriately provide the sound insulation material on the substrate and also to ascertain the required thickness of sound absorbing material required to provide appropriate sound insulation barrier, see column 4, lines 16-21 and column 9, lines 38-60 of Nemeto et al. for example.

5. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Nemeto et al., Gray and Roberts (US Patent 5,439,725).

Applicant, at pages 1-4 of the specification to be known as AAPA, discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle, wherein the passenger compartment is separated from a engine compartment by a firewall, and wherein the passenger compartment comprises a floor wherein an instrument panel is attached to a dash insulator that is configured to be attached to the vehicle firewall. AAPA does not disclose ascertaining acoustic properties of the vehicle to identify portions of the dash insulator requiring sound reflection and/ or absorption, and applying sound reflection and/ or absorption material to identified portions of the dash insulator. However Nemeto et al. teaches applying sound absorption material to portions of a dashboard insulator, see column 4, lines 4-22 and column 9, lines 11-16 and 28-29. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have applied sound absorption materials to portions of the dash insulator of AAPA, in light of the teachings of Nemeto et al., in order to improve

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silence characteristics within the passenger compartment. Although AAPA/Nemeto et al./ does not disclose the dash insulator and the instrument panel being installed within the vehicle as a single unit, however it is known to provide the dash insulator and instrument panel as a modular assembly that can be installed in the vehicle body as an integral unit as attested by Gray, see column 2, lines 42-47 and column 3, lines 54-58. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the dash insulator and instrument panel of AAPA/Nemeto et al. as a single unit to be installed in the vehicle, in light of the teachings of Gray, in order to facilitate the assembly by providing ready access to any portion of the assembly. AAPA/Nemeto et al./Gray does not disclose movably attaching a floor covering to a second edge portion of the dash insulator, however Roberts teaches a floor covering 10 that is connected to a lower edge of a dash insulator 140, see column 11, lines 12-28 and figure 11. Since the floor covering is not completely rigid, it is capable of moving relative to the dash insulator when it is connected thereto. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to movably attach a floor covering to the dash insulator of AAPA/Nemeto et al./Gray, in light of the teachings of Roberts, to reduce overall manufacturing costs. Applicant should note that it is inherent that acoustic properties of the vehicle would have to be ascertained to identify portions of the dash insulator requiring sound absorption before applying the sound absorption material.

6. Claims 51 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Gray and Roberts.

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Applicant, at pages 1-4 of the specification to be known as AAPA, discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle, wherein the passenger compartment is separated from a engine compartment by a firewall, and wherein the passenger compartment comprises a floor wherein an instrument panel is attached to a dash insulator that is configured to be attached to the vehicle firewall. AAPA does not disclose the dash insulator and the instrument panel being installed within the vehicle as a single unit, however it is known to provide the dash insulator and instrument panel as a modular assembly that can be installed in the vehicle body as an integral unit as attested by Gray, see column 2, lines 42-47 and column 3, lines 54-58. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the dash insulator and instrument panel of AAPA as a single unit to be installed in the vehicle, in light of the teachings of Gray, in order to facilitate the assembly by providing ready access to any portion of the assembly. AAPA/Gray does not disclose attaching a floor covering to a second edge portion of the dash insulator, however Roberts teaches a floor covering 10 that is connected to a lower edge of a dash insulator 140, see column 11, lines 12-28 and figure 11. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have attached a floor covering to the dash insulator/instrument panel assembly of AAPA/Gray, in light of the teachings of Roberts, to reduce overall manufacturing costs. Applicant should note that although the dash insulator of AAPA/Gray/Roberts is not formed from two separate substrates, it would have been obvious to one of ordinary skill in the art at the time the invention was made

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to have made the dash insulator of AAPA/Gray/Roberts from two separate substrates since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman* 168, USPQ 177, 179.

For claim 58, Applicant should note that Since the floor covering of Roberts is not completely rigid, it is capable of moving relative to the dash insulator when it is connected thereto.

7. Claims 52, 55 and 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Gray/Roberts as applied to claim 51 above, and further in view of Nemeto et al.

AAPA/Gray/Roberts discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle as shown above except for ascertaining acoustic properties of the vehicle to identify portions of the dash insulator requiring sound reflection and/ or absorption, and applying sound reflection and/ or absorption material to identified portions of the dash insulator. However Nemeto et al. teaches applying sound absorption material to portions of a dashboard insulator, see column 4, lines 4-22 and column 9, lines 1 1-16 and 28-29. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have applied sound absorption materials to portions of the dash insulator of AAPA/Gray/Roberts, in light of the teachings of Nemeto et al., in order to improve silence characteristics within the passenger compartment. Applicant should note that it is inherent that acoustic properties of the vehicle would have to be ascertained to identify portions of the dash insulator requiring sound absorption before applying the sound absorption material.

For claims 55 and 56, see column 2, lines 44-65 of Nemeto et al.

8. Claims 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Gray/Roberts/Nemeto et al. as applied to claim 52 above, and further in view of De Winter.

AAPA//Gray/Roberts/Nemeto et al. discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle as shown above except for applying the sound absorption material by spraying polyurethane with different thicknesses to one or more portions of the dash insulator. However De Winter teaches applying polyurethane foam to a dashboard by spraying the foam on the dashboard, see column 6, lines 45-56. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the sound insulation material by spraying urethane foam on the dash insulator of AAPA/Gray/Roberts/Nemeto et al. in light of the teachings of De Winter, in order to easily deposit the foam on the substrate. Applicant should note that it is within the general knowledge of one of ordinary skill in the art to appropriately provide the sound insulation material on the substrate and also to ascertain the required thickness of sound absorbing material required to provide appropriate sound insulation barrier, see column 4, lines 16-21 and column 9, lines 38-60 of Nemeto et al. for example.

9. Claim 57 is rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Gray/Roberts as applied to claim 51 above, and further in view of Hedderly.

AAPA/ Gray/Roberts discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle as shown above except for the instrument

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panel being movably attached to a first edge portion of the dash insulator, however Hedderly teaches an instrument panel attached along an upper edge portion through the use of screws that are received in retainers 38, 40 (col. 4, lines 5-13), the use of screws allowing the panels to be connected while providing a gap between the panels, thus allowing the instrument panel to move relatively to the firewall. Therefore it would have been obvious to one of ordinary skill in the art to movably attach the instrument panel of AAPA/Gray/Roberts to a first edge portion of the dash insulator using screws, in light of the teachings of Hedderly, in order to be able to interchange instrument panels for left or right side drive vehicles.

10. Claims 65, 68 and 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Nemeto et al., Gray, Hedderly and Roberts.

With regards to claim 65, Applicant, at pages 1-4 of the specification to be known as AAPA, discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle, wherein the passenger compartment is separated from a engine compartment by a firewall, and wherein the passenger compartment comprises a floor wherein an instrument panel is attached to a dash insulator that is configured to be attached to the vehicle firewall. AAPA does not disclose ascertaining acoustic properties of the vehicle to identify portions of the dash insulator requiring sound reflection and/ or absorption, and applying sound reflection and/ or absorption material to identified portions of the dash insulator. However Nemeto et al. teaches applying sound absorption material to portions of a dashboard insulator, see column 4, lines 4-22 and column 9, lines 1 1-16 and 28-29. Therefore it would have been obvious

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to one of ordinary skill in the art at the time the invention was made, to have applied sound absorption materials to portions of the dash insulator of AAPA, in light of the teachings of Nemeto et al., in order to improve silence characteristics within the passenger compartment. Although AAPA/Nemeto et al./ does not disclose the dash insulator and the instrument panel being installed within the vehicle as a single unit, however it is known to provide the dash insulator and instrument panel as a modular assembly that can be installed in the vehicle body as an integral unit as attested by Gray, see column 2, lines 42-47 and column 3, lines 54-58. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the dash insulator and instrument panel of AAPA/Nemeto et al. as a single unit to be installed in the vehicle, in light of the teachings of Gray, in order to facilitate the assembly by providing ready access to any portion of the assembly. AAPA/Nemeto et al./Gray does not disclose the instrument panel being movably attached to a first edge portion of the dash insulator, however Hedderly teaches an instrument panel attached along an upper edge portion through the use of screws that are received in retainers 38, 40 (col. 4, lines 5-13), the use of screws allowing the panels to be connected while providing a gap between the panels, thus allowing the instrument panel to move relatively to the firewall. Therefore it would have been obvious to one of ordinary skill in the art to movably attach the instrument panel of AAPA/Nemeto et al./Gray to a first edge portion of the dash insulator using screws, in light of the teachings of Hedderly, in order to be able to interchange instrument panels for left or right side drive vehicles. Although AAPA/Nemeto et al./Gray/Hedderly does

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not disclose movably attaching a floor covering to the dash board insulator, however Roberts teaches a floor covering 10 that is connected to a lower edge of a dash insulator 140, see column 11, lines 12-28 and figure 11. Since the floor covering is not completely rigid, it is capable of moving relative to the dash insulator when it is connected thereto. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have movably attached a floor covering to the dash insulator of AAPA/Nemeto et al./Gray/Hedderly, in light of the teachings of Roberts, in order to reduce overall manufacturing costs. Applicant should note that it is inherent that acoustic properties of the vehicle would have to be ascertained to identify portions of the dash insulator requiring sound absorption before applying the sound absorption material.

For claims 68 and 69, see column 2, lines 44-65 of Nemeto et al.

11. Claims 66 and 67 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA/Nemeto et al./Gray/Hedderly/Roberts as applied to claim 65 above, and further in view of De Winter.

AAPA/Nemeto et al./Gray/Hedderly/Roberts/ discloses a method of installing a vehicle cockpit assembly within a passenger compartment of a vehicle as shown above except for applying the sound absorption material by spraying polyurethane with different thicknesses to one or more portions of the dash insulator. However De Winter teaches applying polyurethane foam to a dashboard by spraying the foam on the dashboard, see column 6, lines 45-56. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have provided the sound

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insulation material by spraying urethane foam on the dash insulator of APA/Gray/Roberts/Nemeto et al. in light of the teachings of De Winter, in order to easily deposit the foam on the substrate. Applicant should note that it is within the general knowledge of one of ordinary skill in the art to appropriately provide the sound insulation material on the substrate and also to ascertain the required thickness of sound absorbing material required to provide appropriate sound insulation barrier, see column 4, lines 16-21 and column 9, lines 38-60 of Nemeto et al. for example.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Essama Omgba
Primary Examiner
Art Unit 3726

eo
August 5, 2005